



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/933,766

08/22/2001

Toru Ozaki

826.1742

6192

21171 7590 07/21/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/933,766	Applicant(s) OZAKI ET AL.	
Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 June 2006.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) 10-27 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 28 and 29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Prosecution History Summary

- Claims 1-29 are pending in the instant application.
- Claims 10-27 were previously withdrawn.

Response to Amendment

Applicant amendment filed 6/21/2006 has been entered. The rejection of claims 1, 28 and 29 under 35 U.S.C. 112 has been vacated in view of said amendment.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph.

Referring to claims 1-9. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the commerce information" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-9 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sahota (Patent Application Publication No. 2002/0010928 A1).

Referring to claim 1. Sahota discloses a commerce information managing method for managing commerce information, comprising:

- Receiving a request to generate a commercial message broadcast and commercial message information relating to the commercial message broadcast from at least one of a merchandise producer and a service provider (Sahota: paragraph 0062, “The method and system provide an end-to-end framework for network operators and broadcasters to integrate seamlessly existing assets to generate new interactive advertising services.”);
- Requesting a concurrent broadcast of the commercial message broadcast (Sahota: Fig. 1A, “TV Commercial 108”) and the commercial message information relating to the commercial message broadcast generated according to the commerce information (Sahota: Fig. 1A, “Internet Advertising Content 112”), during a broadcast of a main program (Sahota: paragraph 0017, “In such a

Art Unit: 3625

system, broadcasters or content providers can target specific users with interactive content (e.g., an advertisement banner) integrated with specific TV commercial content.”); and

- Receiving, as part of the commerce information, commercial message broadcast designation information contained in the commercial message information and designating at least the commercial message broadcast when a client sees the commercial message broadcast (Sahota: paragraph 0060), performs an instruction for displaying the commercial message information relating to the commercial message broadcast and purchases merchandise or a service in the commercial message information relating to the commercial message broadcast (Sahota: paragraph 0061).

Referring to claim 2. Sahota further discloses a method wherein said commercial message information contains at least one of a merchandise catalog, a merchandise guide book in which merchandise is classified based on a characteristic of each piece of merchandise (Sahota: paragraph 0043, “For example, advertising server **230** can store specific rules, which specify the personalization of content for a particular user, i.e., providing a local restaurant advertisement content with a local TV commercial for the restaurant.”).

Referring to claim 3. Sahota further discloses a method wherein said commercial message information is described in an XML data format; and specific information

Art Unit: 3625

contained in the commercial message information is distributed (Sahota: paragraph 0036).

Referring to claim 6. Sahota further discloses a method comprising analyzing data of the commerce information being managed; and transmitting an analysis result to the merchandise producer of the service provider (Sahota: paragraph 0041).

Referring to claim 7. Sahota further discloses a method wherein said commerce information contains any of information relating to merchandise or a service, attribute data of the client, and information about merchandise or a service purchased by the client (Sahota: paragraph 0036 and paragraph 0041).

Referring to claim 8. Sahota further discloses a method comprising distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service so that the client can receive a support of aftercare for the merchandise or the service (Sahota: Fig. 5B, "Help").

Referring to claim 9. Sahota further discloses a method comprising assigning the client a service point based on the CM broadcast designation information, information about merchandise or a service purchased by the client, and attribute data of the client (Sahota: Fig. 5B, "Help").

Art Unit: 3625

Referring to claim 28. The limitations of claim 28 closely parallel those of claims 1-3 and 6-9. Claim 28 is rejected under the same rationale as set forth above in claims 1-3 and 6-9.

Referring to claim 29. The limitations of claim 29 closely parallel those of claims 1-3 and 6-9. Claim 29 is rejected under the same rationale as set forth above in claims 1-3 and 6-9.

Art Unit: 3625

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahota (Patent Application Publication No. 2002/0010928 A1) in view of Mayer (U.S. Patent No. 5,774,534).

Referring to claim 4. Sahota teaches a method according to claim 1 as indicated supra. Sahota does not specifically teach a method wherein a broadcast program for broadcasting the commercial message broadcast and the commercial message information relating to the commercial message broadcast is bought from the broadcasting station. Mayer teaches a method, wherein a broadcast program for broadcasting the commercial message broadcast and the commercial message information relating to the commercial message broadcast is bought from the broadcasting station (Mayer: column 15, lines 61-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Sahota to have included the teachings of Mayer in order to provide a seamless integration of existing assets to generate new interactive commercial advertising services (Sahota: paragraph 0005).

Art Unit: 3625

Referring to claim 5. Sahota in view of Mayer discloses a method according to claim 4 as indicated supra. Sahota further discloses a method wherein said broadcast program is changed based on at least one of merchandise inventory information about the merchandise producer and service providing information about the service provider (Sahota: paragraph 0042).

Response to Arguments

Applicant's arguments filed 6/21/2006 are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim, Patent Application Publication No. 2006/0075457 A1, April 6, 2006, discloses a method and apparatus for banner information digital TV service and receivers therefore.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MSG
Primary Examiner
July 17, 2006